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JUL 7 2006

Application No.: 10/509184

Case No.: 57666US005

**REMARKS**

This is in response to the Office Action mailed February 7, 2006.

Claims 1-17 were previously pending in the application.

Claim 1 is amended to incorporate the limitations of Claims 15 and 16, which are being cancelled.

**Objection to Claim 16**

Claim 16 was objected to on the basis that it was in improper dependent form. Claim 16 was intended to depend from claim 15. Claims 15 and 16 have now been incorporated into claim 1.

**Provisional Double Patenting**

Claims 1-3 and 7-14 were provisionally rejected for obviousness-type double patenting over claims 16-22, 25-29, 31 and 32 of copending application no. 10/398,335.

Since claims 15 and 16 have been incorporated into claim 1 it is submitted that the provisional rejection has been obviated.

**§ 103 Rejection**

Claims 1-15 and 17 were rejected as being obvious over Trofast et al. (WO 00/53187). However, while Applicants agree that micronized bulking agents were known, the present claims require a much smaller mass median aerodynamic size of less than 1 micron compared with conventionally micronized particles and this size limitation was not disclosed or suggested by Trofast et al.

It should be noted that Cutie US 6,129,905 refers to inclusion of sugar particles having a size less than 2 microns, but does not disclose either formoterol or mometasone formulations.

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**Conclusion**

In view of the above, it is submitted that the application is in condition for allowance.  
Reconsideration of the application and favorable action are therefore requested.

Respectfully submitted,

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Date

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